C.S. 100 — SINGLE BENCH

(B)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 2182 OF 2006

PETITIONER : Dr. Yeeshu Prasad Masih, aged about 75 years, Son of Late Shri Baldev Prasad Masih, Ex-Ayurved Chikitsa Adhikari, Resident of Qr. No. 125, Paradise Complex, Borsi Bhata, Durg (C.G.).

P.R. No. 2210/26
Presented by Shri Nikesh Shrivastava
dated 25/4/06

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, Through: The Secretary, Department of Health and Family Welfare, D.K.S. Bhawan, Raipur (C.G.).

2. State of Madhya Pradesh, Through: The Secretary, Department of Health and Family Welfare, Vallabh Bhawan, Bhopal (M.P.).

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3. The Director, Indian System of Medicine and Homeopathic, Raipur (C.G.).

4. The Superintendent cum District Ayurved Officer, Bilaspur (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND/OR A SUITABLE DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2182 of 2006

Petitioner Dr. Yeeshu Prasad Masih

Versus

Respondents State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Mr. Santosh Bharat, Advocate for the petitioner.
Ms. Sunita Jain, Panel Lawyer for the State/respondents.

O R D E R

(Passed on 7th Day of February, 2007)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. Learned counsel appearing for the petitioner submits that the petitioner was appointed on the post of Vaidya in the year 1958. The post of Vaidya was renamed as an Assistant Ayurved Chikitsa Adhikari with effect from 1988. The petitioner retired from service on 31.12.1989 as an Assistant Ayurved Chikitsa Adhikari.

2. The petitioner has filed this writ petition claiming arrears of salary w.e.f. 01.04.1988 to 31.12.1989 with interest without explaining inordinate delay. The petitioner has filed this writ petition after a belated period of 17 years.

3. It is well settled principle of law that the belated petition cannot be considered when everything has been settled and the petitioner is

not in a position to explain asto why he has taken about 17 years in filing this petition.

4. It is well settled principle of law in view of the decisions of the Supreme Court in the cases of Jagdish Narain Maltiar Vs. The State of Bihar and others[1], P.S. Sadasivaswami Vs. State of Tamil Nadu[2] and Karnataka Power Corporation Ltd & Anr. Vs. V.K. Thangappan & Anr.[3], that repeated representations cannot justify a belated approach to the Courts. Entertaining belated approach would unsettle the settled matters, and the same should be avoided.

5. As a result, for the aforesaid reasons, the petition is dismissed as not maintainable on the ground of delay in approaching this Court.

Sd/-
Satish K. Agnihotri
Judge

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[1]{(1973) 1 SCC 811}
[2]{(1975) 1 SCC 152)
[3]{(2006 AIR SCW 1828}

Subhash

(90)

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